

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12572 of 2018

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Anamika Devi Wife of Rajnish Kumar, Resident of Basudeopur, Chaputa,
Post- Rajauli, P.S.- Hajipur Sadar, District- Vaishali at Hajipur.

... .. Petitioner

Versus

1. The State Of Bihar through the Secretary, Department of Transport, Government of Bihar, Patna.
2. The Regional Transport Authority, Muzaffarpur through its Joint Commissioner cum Secretary, Office situated at Divisional Commissioner's Compound, Muzaffarpur.
3. Rajdeo Paswan, S/o Late Krishna Deo Paswan, at Rashulpur, Ahiyapur, P.S. - Ahiyapur, District – Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Randhir Kr. Singh, Advocate
For the State	:	Mr. Satya Prakash, AC to SC-22
For the Resp. No. 3	:	Mr. Shiopujan Singh, Advocate
		Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 11-02-2019 This writ application has been filed for the following
reliefs:

“(I) For issuance of an appropriate writ or writs specially in the nature of mandamus commanding and directing the respondents, specially Respondent no. 2 to immediately issue the permanent stage carriage permit on the Inter Regional Route Raxaul to Patna and Patna to Raxaul to be covered with vehicle Bus No. BR-31GA-0234 and BR-31PA-0234 respectively in favour of the petitioner which has been sanctioned and granted in favour of the petitioner by the R.T.A., Muzaffarpur in its meeting held on 16.04.2018 along with the proposed time table as per the time slot fixed by the R.T.A., Muzaffarpur (Respondent no. 2) in the same meeting.



(ii) Issuance of any appropriate writ, rule or directions as your Lordships may deem fit and proper to the facts and circumstances of the case as well as for which the petitioners may be found entitled.”

From a bare reading of the reliefs prayed by the writ petitioner, it would appear that she has given an impression to this court that the petitioner has already been sanctioned and granted the permit by the Regional Transport Authority, Muzaffarpur in the meeting held on 16.04.2018. But on perusal of the minutes of the meeting dated 16.04.2018, it appears that on the said date the Regional Transport Authority, Muzaffarpur considered a number of agenda items and took a decision thereon, however, in the said meeting the case of the petitioner for grant of permit was not under consideration.

It appears that earlier in CWJC No. 8047/2017 (Kailash Mishra Vs. State of Bihar and Others) vide order dated 29.05.2017, a learned coordinate Bench of this Court, after considering the provisions as contained in Section 68(3)(ca) of the Motor Vehicle Act, 1988, directed the respondent State and its authorities that they will not take any decision in the matter of grant of inter regional permanent permit till further orders of the court. The said order was passed considering the submission of the petitioner in the said case that the State has not



formulated the route as yet. Even the respondents had not taken any stand that they had formulated the route.

Learned counsel for the petitioner submits that now it is an admitted position that the routes have already been formulated and notified.

Learned counsel for the State has drawn the attention of this court towards Annexure-A to the counter affidavit filed on behalf of the respondent nos. 1 & 2, which is a letter vide memo no. 726 dated 14.09.2018, written by the Joint Commissioner – cum – Secretary, Regional Transport Authority, Muzaffarpur to the petitioner calling upon her to submit the required documents so that her request for grant of permanent permit may be considered.

Learned counsel for the petitioner submits that the petitioner has already submitted all the required documents and she fulfills all the conditions which are required for grant of permit on the formulated routes but the Regional Transport Authority has not taken any decision thereon. Learned counsel thus, at this stage, admits to the extent that the statement made in the prayer portion of the writ application saying that petitioner has been granted the route permit seems to be incorrect.



In the given facts and circumstances of the case, the whole dispute seems to have boiled down to a request of the petitioner to consider her case for grant of permit because she fulfills all the requirements and has submitted the required documents.

In the opinion of this court, the statutory authority under the Motor Vehicle Act and the Rules framed thereunder would be obliged to consider the request of the petitioner in accordance with the policy decisions and the Rules on the subject. The Joint Commissioner – cum – Regional Transport Authority, Muzaffarpur is hereby directed to consider the case of the petitioner for grant of permanent permit within a period of 30 days from the date of receipt/production of a copy of this order. An appropriate decision thereon shall be duly communicated to the petitioner within the aforesaid period.

This Writ Application as well as Interlocutory Application No. 02 of 2019 stand disposed of, accordingly.

Rajeev/-

(Rajeev Ranjan Prasad, J)

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